

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA :  
:  
v. : Docket No.: 16-CR-10290-DJC  
:  
MICHELLE HIGSON :

MOTION FOR ORDER REFERRING DEFENDANT  
FOR RESTORATIVE JUSTICE PROGRAM

Now comes the defendant, Michelle Higson, and respectfully moves this Honorable Court for an order recommending Mrs. Higson for participation in United States Probation's Restorative Justice Program prior to her final revocation hearing.

Restorative Justice is a theory of justice that emphasizes a meaningful acceptance of responsibility for a harm caused or a crime committed, and making amends for that harm. In confronting the harm caused by their actions, defendants learn empathy, are motivated toward rehabilitation, and become better equipped to resist criminal thinking. Studies show that Restorative Justice is effective in reducing recidivism by establishing proactive processes that precede wrongdoing and restore a sense of community. *See, e.g.*, House of Commons Justice Committee, *Restorative Justice*, (July 19, 2016), available at <https://publications.parliament.uk/pa/cm201617/cmselect/cmjust/164/164.pdf>; Bonta, J., Wallace-Capretta, S., Rooney, J., & McAnoy, K., "An Outcome Evaluation of a Restorative Justice Alternative to Incarceration. *Contemporary Justice Review*, 5, (2002), 319-338.; Wachtel, Ted, "Defining Restorative. *Internation Institute for Restorative Practices* (2013).<sup>1</sup>

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<sup>1</sup> More information about Restorative Justice can be found at the website for the Centre for Justice & Reconciliation, [www.restorativejustice.org](http://www.restorativejustice.org).

Mrs. Higson is facing a revocation of her supervised release based on an allegation that she reoffended in a very similar way to her underlying conviction: by stealing from her employer. Those new allegations are the subject of a pending indictment in this Court, No. 18-cr-10433-RGS. Her prior criminal history also reflects three separate state court convictions for similar offenses. While Mrs. Higson is currently engaged in mental health counselling, she would like the opportunity to participate in Restorative Justice programming in order to gain a deeper understanding of her pattern of criminal behavior, its effect on the victims of her crimes, and to reduce her chances of recidivating in the future. Probation offers a Restorative Justice program for defendants in this district that involves many components, from journaling to cognitive behavioral therapy to workshops where defendants meet with victims of crimes.

Probation has informed counsel that, while the Restorative Justice program is usually reserved for participants in this Court's RISE program<sup>2</sup>, defendants who are not in RISE may be allowed to participate in the program if so ordered by the Court. Probation has requested that this Court *recommend* (as opposed to require) that Mrs. Higson participate in Restorative Justice, so that Mrs. Higson can begin by participating in certain components of Restorative Justice such as interactive journaling and cognitive behavioral therapy. Probation will then assess whether Mrs. Higson's participation in those components of the program deem her suitable for participate in continuation of Restorative Justice services, such as the Restorative Justice workshop.

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<sup>2</sup> Mrs. Higson does not meet the criteria for participation in the Court's RISE program, which is reserved for defendants with a serious history of substance abuse or significant deficiencies in other areas of their lives.

The government, through Assistant United States Attorney, has no objection to this request.

Respectfully submitted,  
MICHELLE HIGSON,  
By her attorney,

/s/ Jane F. Peachy  
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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on January 14, 2019.

/s/ Jane F. Peachy  
Jane F. Peachy